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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Patent No. 7,344,711	: DECISION ON APPLICATION FOR
Issued: March 18, 2008	: PATENT TERM ADJUSTMENT and
Application No. 10/509,194	: NOTICE OF INTENT TO ISSUE
Filed: September 23, 2004	: CERTIFICATE OF CORRECTION
Dkt. No.: 16596-049US1	:

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(D)," filed March 19, 2008.

The application for patent term adjustment ("PTA") under 37 CFR 1.705(d) is GRANTED IN PART and DISMISSED IN PART.

The above-identified application matured into U.S. Patent No. 7,344,711 on March 18, 2008. The instant request for reconsideration was timely filed in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 346 days. Patentees argue that the patent is entitled to an adjustment of 520 days.

An overall adjustment of 404 days can be attributed to the Office. Specifically, an adjustment of 393 days under 37 CFR 1.702(a)(1) and an adjustment of 11 days under 37 CFR 1.702(a)(4) can be attributed to the Office.

The adjustment of 404 days was properly reduced 50 days under 37 CFR 1.704(b) in connection with the response after non-final action filed May 10, 2007.

Patentees argue that the reduction of eight days under 37 CFR 1.704(c)(10) assessed in connection with the information disclosure statement (IDS) filed October 24, 2007 is improper. Patentees argue that the IDS was originally submitted November 5, 2005, but was not entered into the file or considered by the examiner.

The submission of November 5, 2005 does not appear in the record. However, patentees have established that the IDS filed October 24, 2007 was a courtesy copy of the IDS filed November

5, 2005, as acknowledged by the examiner on October 31, 2007. In view thereof, the reduction of eight days has been removed.

Patentees argue that the patent is entitled to an additional adjustment of 166 days for the Office's failure to issue the patent within three years from the date upon which the application was filed.

If an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B) (and 37 C.F.R. § 1.704(b)), the entire period during which the application was pending (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the application that overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See, 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Red. Reg. 21704 (April 22, 2004).

In view thereof, the instant patent is not entitled to further adjustment.

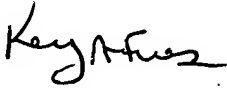
Accordingly, at the time of issuance, the patent was entitled to an adjustment of 354 days.

Any request for reconsideration of this decision must be submitted within two months of the mail date of the instant decision. The time period for reconsideration may not be extended pursuant to 37 CFR 1.136.

The Office acknowledges receipt of the required fee of \$200.00 for an application for patent term adjustment.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 354 days.

Telephone inquiries specific to this matter may be directed to
Petitions Attorney Alesia M. Brown at (571) 272-3205.



Kery Fries
Senior Patent Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,344,711 B2
DATED : March 18, 2008
INVENTOR(S) : Bonastre, et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 346 days

Delete the phrase "by 346 days" and insert – by 354 days--

Day : Monday
Date : 8/25/2008

Time: 12:26:04

PALM INTRANET**PTA Calculations for Application: 10/509194**

Application Filing Date:	09/23/2004	PTO Delay (PTO):	404
Issue Date of Patent:	03/18/2008	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	58
Post-Issue Petitions:	0	Total PTA (days):	354
PTO Delay Adjustment:	8		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
68	08/25/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	8		
63.5	02/27/2008	PTA 36 MONTHS			
63	03/18/2008	PATENT ISSUE DATE USED IN PTA CALCULATION	11		59
62	01/15/2008	EXPORT TO FINAL DATA CAPTURE			
61	01/14/2008	DISPATCH TO FDC			
60	11/09/2007	APPLICATION IS CONSIDERED READY FOR ISSUE			
59	11/07/2007	ISSUE FEE PAYMENT VERIFIED			
58	11/07/2007	ISSUE FEE PAYMENT RECEIVED			
57	10/31/2007	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
56	10/29/2007	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
55	10/24/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
54	10/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
53	10/24/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		8	57
52	10/15/2007	FINISHED INITIAL DATA CAPTURE			
51	10/15/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
50	09/28/2007	SEQUENCE FORWARDED TO PUBS ON TAPE			
49	09/18/2007	EXPORT TO INITIAL DATA CAPTURE			
48	09/14/2007	MAIL NOTICE OF ALLOWANCE			
47	09/14/2007	MAIL EXAMINER'S AMENDMENT			
46	09/13/2007	ISSUE REVISION COMPLETED			

45	09/13/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	09/04/2007	DOCUMENT VERIFICATION			
43	09/04/2007	EXAMINER'S AMENDMENT COMMUNICATION			
42	08/31/2007	NOTICE OF ALLOWABILITY			
41	08/24/2007	DATE FORWARDED TO EXAMINER			
40	08/23/2007	AMENDMENT AFTER FINAL REJECTION			
39	08/14/2007	MAIL ADVISORY ACTION (PTOL - 303)			
38	08/13/2007	ADVISORY ACTION (PTOL-303)			
37	08/07/2007	DATE FORWARDED TO EXAMINER			
36	08/03/2007	AMENDMENT AFTER FINAL REJECTION			
35	06/07/2007	MAIL FINAL REJECTION (PTOL - 326)			
34	06/05/2007	FINAL REJECTION			
33	03/21/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
32	05/16/2007	DATE FORWARDED TO EXAMINER			
31	05/10/2007	RESPONSE AFTER NON-FINAL ACTION		50	25
30	04/30/2007	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
29	04/11/2007	CORRESPONDENCE ADDRESS CHANGE			
28	04/09/2007	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
27.7	03/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
27	03/21/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
26	04/09/2007	DATE FORWARDED TO EXAMINER			
25.1	03/21/2007	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
25	03/21/2007	RESPONSE AFTER NON-FINAL ACTION			
24	12/21/2006	MAIL NON-FINAL REJECTION	393		-1
23	12/18/2006	NON-FINAL REJECTION			
22	02/24/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
21	09/20/2006	PRELIMINARY AMENDMENT			
20	09/01/2006	MAIL NON-COMPLIANT PRELIMINARY AMENDMENT			
19	09/01/2006	NON-COMPLIANT PRELIMINARY AMENDMENT			
18	09/23/2004	REQUEST FOR FOREIGN PRIORITY (PRIORITY PAPERS MAY BE INCLUDED)			

17	02/24/2005	REFERENCE CAPTURE ON IDS			
16.7	02/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
16	02/24/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	09/23/2004	PRELIMINARY AMENDMENT			
14	08/29/2006	CASE DOCKETED TO EXAMINER IN GAU			
13	08/29/2006	CASE DOCKETED TO EXAMINER IN GAU			
12	08/29/2006	CASE DOCKETED TO EXAMINER IN GAU			
11	07/05/2006	CLEARED BY OIPE CSR			
10	09/23/2004	371 COMPLETION DATE			
9	06/26/2006	APPLICATION DISPATCHED FROM OIPE			
8	06/26/2006	NOTICE OF DO/EO ACCEPTANCE MAILED			
7	05/11/2005	ADDITIONAL APPLICATION FILING FEES			
6	02/24/2005	COPY OF REFERENCES CITED IN INTERNATIONAL SEARCH REPORT			
5	05/11/2005	A SET OF SYMBOLS AND PROCEDURES, PROVIDED TO THE PTO ON A SET OF COMPUTER LISTINGS, THAT DESCRIBE IN			
4	05/11/2005	CRF DISK HAS BEEN RECEIVED BY PREEXAM / GROUP / PCT			
3	05/17/2006	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	04/18/2005	SEQUENCE DISCLOSURE PROBLEMS			
1	09/23/2004	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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